

Human Rights Violation of Scheduled Tribes in India and Steps taken by Government: An Analysis

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Abstract

As a human being all people have the right to enjoy their rights framed by Indian constitution. From the very past decades the case reported were the violation of the rights to some minorities. The major forms of discrimination aroused from the social division of people on the basis of caste. The caste system in India led to the violation of the rights to the lower class people. The upper class strata continued their exploitation of them making them disadvantaged and vulnerable sections by capturing all the benefits. In recent times also there explained high value of discrimination against them. This paper focus upon the discrimination of scheduled tribes in India with focus upon the incidence and rate of crimes against them and the preventive checks taken by the government.

Keywords: *Scheduled Tribes, Adivasi, Discrimination, Incidence and rate of crime.*

Introduction

The article 15 of Indian constitution clearly highlights the right to non- discrimination. The scheduled tribes in India consist of 8.6% of the total population. They face human rights violation based on untouchability derived from caste discrimination. These minorities lag behind all the protective and promotional activities taken by the government from the very past itself. The lack of strong administrative power and existence of favoritism and nepotism in the minds of the government officials favored the upper strata to make exploitation of Scheduled tribes.

The scheduled tribes or 'Adivasi' people with their moral values and culture protect our natural resources because they treated the land, air, water, trees etc. as God. They lack the social needs of food, cloth, shelter, health, education, sanitary facilities employment etc. They live under modesty and access to food, cloth, shelter and other facilities from the nature itself. Now- a- days the development process of the government created hindrances for their life and property. They became the victim for major of evils existed in our society.

Article 38, 39, and 46 of Indian constitution assigns the responsibility to the state to protect life and property of its people. Constitution also highlights the right to equality of status and opportunity to all. The main aim of the government of India was the development and welfare of their citizens. The

Government framed protective laws and has been taken necessarily footsteps for vulnerable groups of the society to help and protect them. Even though they enjoy constitution and administrative protection, still they enjoy face brutal physical and sexual violence. They also focus harassment, humiliations and indignities also.

Importance of the study

The socio economic conditions of scheduled tribes in India worsened even after independence. From time to time the government had been taken actions to protect scheduled caste and tribes. In 1989, it passed Scheduled caste and scheduled tribes (prevention of atrocities act) to reduce the violence and atrocities against them. Even after the introduction of this act the case registered under the atrocities act has raised. The main reason behind these increased tendencies of violence and discrimination against these minorities was the ineffective bureaucracy for the proper implementation of the various measures taken by the government itself. The minorities lack social justice and all the rights enjoyed by other upper class society. The daily average of atrocities registered against them stand at 93. During 1995-2007, the crime registered against them was 4,41,424. They were denied all the basic rights enjoyed by each and every human being.

The major reason behind these atrocities was that they even didn't know their rights at all. The slow scale reach ability of the basic education in these tribal areas adds fuel to the fire. It is essential to have a look upon these minorities to bring them under the forefront of development process and to reduce the violence against them. The study is a focus upon these factors. The study is essential in the growing trend of atrocities registered against them even after the strong measures taken by ministry of tribal affairs in India.

Objectives of the study

- To analyze the extend of ST population in India.
- To analyse the incidence and rate of crime committed against scheduled tribes in India and
- To study the various government actions for the protection of scheduled tribes in India

Methodology

The present study is based on secondary data. The secondary data were collected from various sources like various years annual reports of ministry of tribal affairs, ministry of home affairs and National

Crime Records Bureau, various books, journals, periodicals, articles & newspapers, etc. In order to analyse the collected data, simple statistical tools like tables, averages are used.

Data analysis

- To analyses the extend of ST population in India.

Table – 1 . Facts about ST population in India.

Particulars	India
Total population	1,21,08,54,977
ST population	10,45,45,716
% STs to total population	8.6
Sex – ratio of ST	990
Literacy Rates of ST	59

Source: Census 2011, Office of the Registrar General, India

From the table percentage of ST population to total population in India is 8.6 % and male – female ratio is 990. Their literacy ratio also lowers than whole literacy ratio i, e., 59%. These figures indicate that still ST population is no longer attained India's development benefits.

- Analysis of incidence and rate of crimes committed against scheduled tribes in India

Table 1- Year wise analysis of incidence and rate of crimes committed against scheduled tribes in India

Year	*Incidence	*Rate of total cognizable crimes
2011	5756	0.5
2012	5922	5.68
2014	11451	11

Source: Annual reports of ministry of tribal affairs, ministry of home affairs and National Crime Records Bureau

The above table shows that in 2011 incidence of crime was 5756 and Rate of Total Cognisable crimes was 0.5. But in 2014 incidence of crime and Rate of Total Cognisable crimes rose to 11451 and 11 respectively.

*Rate of Total Cognisable crimes = (Total cases reported under crime against STs/Total Population of SCs) x 100000 i.e., Incidence of Crime per 1, 00,000 of Population of STs.

Table 2- Violence against scheduled tribes in India during 2015

Forms of violence	Cases reported	victims	Rate of crime
Attempt to commit murder	88	98	0.1
Rape	952	959	0.9
Attempt to commit rape	15	15	0
Assault of women outside her modesty	818	821	0.8
Sexual harassment	307	308	0.3
Assault or use of criminal force to women with intent to disrobe	55	55	0.1
Dacoity	4	4	0
Robbery	9	9	0
Arson	25	28	0

Source: Crimes in India 2015, National Crime Records Bureau

It has been noted that number of 'rape' is the higher than other forms of violence. Number of victims of rape are 959 and its rate of crime is 0.9. Rate of crime in the form of Sexual harassment is 0.3 and attempt to commit murder reported case 88 and number of Dacoity is only 4.

Table 3 – A comparison of Incidence & Rate of Crime Committed Against Scheduled Tribes During 2015 between Kerala and India

Comparison title	Kerala	India
Incidence	176	10914
ST Population (in Lakhs)	5	1042.8
Rate of Total Cognizable Crimes	35.2	10.5
Rank as per Rate of Total Cognizable Crimes	1	-

Source: Crime in India 2015, National Crime Records Bureau, Ministry of Home Affairs

In Kerala the Rate of Total Cognizable Crimes is 35.2 but in India it is only 10.5. Also Kerala has got first rank in Rate of Total Cognizable Crimes in India. It is remarkable fact for rethinking as Kerala enjoys a good position in literacy rate.

- **Analysis of measures taken by the government of India to reduce violence against scheduled tribes in India**

1. **The Protection of Civil Rights Act, 1955**

Act prescribed for the punishment of any disability enforcement arising from there and all matters connected with them. The meaning of Civil Right is any right accruing to a person by the reason of abolition of untouchability by the 17th article of the Constitution;

2. **The Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989**

In 1989 the Parliament of India enacted an Act named as The Scheduled Castes and Tribes (Prevention of Atrocities) Act, for preventing atrocities against scheduled castes and scheduled tribes. Popularly known names of this Act are POA, the SC/ST Act, the Prevention of Atrocities Act, or simply the Atrocities Act. 17th Article of Indian Constitution focuses to abolish 'untouchability' and to prohibit all such practices. It is basically a "principle statement" which intends to be made operational with an apparent objective of remove humiliation and multifaceted harassments towards the Davits and to ensure their fundamental and socio-economic, political, and cultural rights. So this act aims at free Indian society from blind and irrational adherence to traditional beliefs and to establish an unbiased society. For that purpose, there was enacted Untouchability (Offences) Act 1955. However, lacunae and loopholes impelled the government to project a major overhaul of this legal instrument. From 1976 onwards the Act was renamed as the Protection of Civil Rights Act.

3. **National human rights commission of India**

The National Human Rights Commission (NHRC) of India is an autonomous public body constituted on 12 October 1993 under the Protection of Human Rights Ordinance of 28 September 1993. It was given a statutory basis by the Protection of Human Rights Act, 1993 (TPHRA). The NHRC is responsible for the protection and promotion of human rights. This Act defined human right as "the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India". Human right means different thing to different people are not static. New rights are identified and enacted from time to time. Persons those who fully familiar with the latest development about the expanding skylines of Human Rights can promote

their awareness better than other peoples those who unfamiliar with the latest development about the expanding skylines of Human Rights

4. The Ministry of Tribal Affairs

The Ministry of Tribal Affairs, a branch of Government of India, which looks after the affairs of Indian the tribal communities. The ministry was established in 1999 after the bifurcation of Ministry of Social Justice and Empowerment (India) to have a more focused approach on the integrated socio-economic development of the Scheduled Tribes (STs), the most underprivileged Indian Society.

The main functions of the Ministry are;

1. Tribal Welfare-Planning, Policy formulation, Research and Training
2. Tribal development including scholarships to students belongs to Scheduled Tribes
3. Promotion of voluntary efforts in development of Scheduled Tribes
4. Administrative Ministry with respect to matters concerning Scheduled Areas

The Tribal Affairs Ministry is the Nodal Ministry for overall policy making, planning and execution of programmes of development for Scheduled Tribes.

5. National Commission for Scheduled Tribes

National Commission for Scheduled Tribes is an Indian Constitutional body, which was established through Constitution (89th Amendment) Act, 2003. On the 89th Amendment of the Constitution coming into force on 19 February 2004, the National Commission for Scheduled Tribes has been set up under Article 338A on bifurcation of erstwhile National Commission for Scheduled Castes and Scheduled Tribes to oversee the implementation of various measures provided to Scheduled Tribes under the Constitution. By this amendment, the erstwhile National Commission for Scheduled Castes and Scheduled Tribes was substituted by two separate Commissions namely- (i) the National Commission for Scheduled Castes (NCSC), and (ii) the National Commission for Scheduled Tribes (NCST).

The following are the functions of the Commission:

- To investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under the Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;

- To inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes;
- To participate and advise in the planning process of socio-economic development of the Scheduled Tribes and to evaluate the progress of their development under the Union and any State;
- To present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
- To make in such reports, recommendations as to the measures that should be taken by the Union or any State for effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes, and
- To discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

5. SCs and STs (Prevention of Atrocities) Amendment Bill 2014

The SCs and STs (Prevention of Atrocities) Amendment bill was introduced in parliament on 7th July 2014 and immediately referred to the standing committee on 17th July 2014. Subsequently it was passed by the Lok Sabha on 4th August 2015. It is effectively same as the ordinance, with a few amendments to improve efficiency.

Findings

It is clear from the analysis that the percentage of ST population to total population in India is 8.6 %

And sex - ratio is 990. Their literacy ratio also lower than whole literacy ratio i, e., 59%. It indicates that there will be in given of a special focus towards them. It is also clear from the analysis that the violence against scheduled tribes is increasing. The incidence and rate of crimes shows an increasing trend. Violence against scheduled tribes in India during 2015 shows that rape is the major form of violence against scheduled tribes in India constituting reported cases 952 and number of victims 959. The other crucial violence is assault of women outside her modesty and sexual harassment. The other important forms of violence are attempted to commit murder, assault or use of criminal force to women with intent to disrobe, arson, robbery and dacoit. In Kerala the Rate of Total Cognizable Crimes is 35.2 but in India it is only 10.5. Also Kerala has got first rank in Rate of Total Cognizable Crimes in India. The major preventive checks by Indian government are setting up of The Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989, SCs and STs (Prevention of Atrocities) Amendment Bill 2014, The Protection of

Civil Rights Act, 1955, The Ministry of Tribal Affairs, National Commission for Scheduled Tribes and National human rights commission of India

Suggestions

In order to eradicate the evil of caste based discrimination the government should take strong actions. The following are some recommendations to protect the scheduled tribes from violence against them.

- Government should take necessary actions to abolish the practice of untouchability mentioned in the article 17 of the constitution.
- Enforcement of the scheduled caste and scheduled tribes (prevention of Atrocities) Act 1989.
- Conduct awareness class to all the citizens about their rights and obligations in the society.
- Setting up of scheduled caste / scheduled tribe atrocities cell in each police station for conducting investigations of violation of the Atrocities Act.
- Government officials who resist the protection of human rights of scheduled tribes should be punished.

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